

confiscation. What it does show also is the difficulty of trying to amend this bill in the way it's being handled. Either it would be a juvenile bill or an overall bill that would catch adults, too.

SENATOR HALL: One minute.

SENATOR CHAMBERS: If we were talking only about juveniles illegally possessing guns on school grounds, under these circumstances, there wouldn't be a need to create a separate crime a separate offense. Currently, an adult, if the gun is openly displayed, can take the gun anywhere. I've heard that it's not advisable to take it into a bank, even if you have it in your holster. But nevertheless that, in and of itself, is not illegal. It might provide the basis for you to be arrested because of the circumstances under which you're carrying it, even though the carrying is legal, then if you're taken to trial you would interpose your defense which is that the conditions and circumstances under which you carried it did not violate the law, but the arrest could occur. Here the policy decision has to be made as to whether the goal is to punish as harshly as possible the one arrested under these circumstances, or if the purpose is to be to provide the underlying legal justification for the confiscation and ultimate destruction of the weapon.

SENATOR HALL: Time. Thank you, Senator Chambers. Senator Lindsay, your light is next.

SENATOR LINDSAY: Thank you, Senator Hall. Members, I rise again in opposition to the Ashford amendment, and I do so because I don't think the inconsistency that we're talking about is present. We have to look, not just at this section, but at all of our statutes as a whole. Now, what Senator Ashford seeks to do is to increase the penalty under this. By doing that you refocus that away from the confiscation of the weapon into defense of the criminal charge. If you're defending the criminal charge and you get acquitted, you get the gun back. Now that gets away from what we're trying to do. You are going to encourage, and I've heard this on so many other areas, I suspect I'm going to hear them again this afternoon on LB 1351, I've been told this it's a good thing to encourage tough plea bargains, this policy would do that. And the problem, or what we seek to do, if you get a plea to a charge that does not include prison, the maximum penalty is \$500, then that focuses and what we're trying to do is to make the schools gun-free in